

Appl. No. 10/612,197
Atty. Docket No. AA537C
Amtd. dated January 24, 2006
Reply to Office Action of 12/15/05
Customer No. 27752

REMARKS

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. This hereby confirms the **provisional election** to prosecute the invention designated in the Office Action as Invention I. This election is made with traverse. Claims 1-5 and 10-12 are drawn to this invention.

Claims 13, 16, and 17 have been canceled by this amendment as being drawn to a non-elected invention.

Response to Restriction Requirement

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the invention designated in the Office Action as Invention I. Claims 1-5 and 10-12 are drawn to this invention. This election is made with traverse.

Traversal of Restriction Requirement

The traversal of the indicated restriction requirement is requested as it is considered improperly made. The Office Action states that "because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper." (emphasis added).

However, examination has already been done for these claims. Although amended in a previous response, there is nothing in the present claims that would be examined differently from the claims as filed. The Examiner failed to give any reason why a new examination is required over the first examination. Therefore, it cannot be that the restriction is for "examination purposes."

The Applicants object to the failure to grant previously allowable subject matter (Claims 13, 16 and 17 are allowable per the 6/16/2005 Office Action).

The imposition of a restriction requirement AFTER examination of all claims and indication of allowable subject matter is highly improper, and hereby traversed.

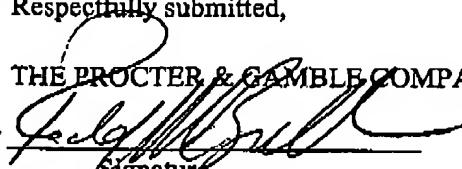
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Conclusion

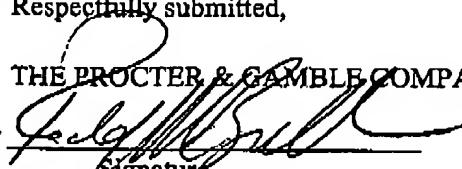
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the restriction under 35 U.S.C. 121. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5 and 10-12 is respectfully requested.

Respectfully submitted,


THE PROCTER & GAMBLE COMPANY

By


Signature

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